THE REMOVAL OF RESTRICTION ON THE MOVEMENT OF FOODGRAINS BILL, 1993

SHRI SURESH PACHOURI (Madhya Pradesh): Sir, I beg to move for leave to introduce a Bill to provide for the removal of all types of restrictions on the movement of foodgrains throughout the country to enable the farmers to sell their agricultural produce in any part of the country and get remunerative prices for such produce and for matters connected therewith.

The question was put and the motion was adopted.

SHRI SURESH PACHOURI: Sir, I introduce the Bill.

THE PROHIBITION OF SMOKING AND LITTERING IN PUBLIC PLACES BILL, 1993

SHRI SURESH PACHOURI (Madhya Pradesh): I beg to move for leave to introduce a Bill to provide for the banning of smoking, spitting and littering in public places used or visited by general public in order to prevent fire, maintain cleanliness and healthy environment in such public places and for matters connected therewith.

The question was put and the motion was adopted.

SHRI SURESH PACHOURI: Sir, I introduce the Bill.

THE CONSTITUTION (AMENDMENT) BILL, 1993 (TO AMEND ARTICLE 356)

SHRI VISHWASRAO RAMRAO PATIL (Maharashtra): Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

The question was put and the motion was adopted.

SHRI VISHWASRAO RAMRAO PATIL: Sir, I introduce the Bill.

THE INDIAN PENAL CODE (AMENDMENT) BILL, 1993

SHRI VISHWASRAO RAMRAO PATIL (Maharashtra): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Penal Code 1860.

The question was put and the motion was adopted.

SHRI VISHWASRAO RAMRAO PATIL: Sir, I introduce the Bill.

THE CONSTITUTION (AMENDMENT) BILL, 1993 (to amend article 102)

SHRI VISHWASRAO RAMRAO PATIL (Maharashtra): Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

The question was put and the motion was adopted.

SHRI VISHWASRAO RAMRAO PATIL: Sir, I introduce the Bill.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Jagannath Singh. (absent)

THE ELECTROPATHY SYSTEM OF MEDICINE (RECOGNITION) BILL, 1991—contd.

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI B. SHANKARANAND): Mr. Vice-Chairman, Sir, on 26th February, 1993 I had explained to the House about the reaction of the Government and the recommendations of the Committee. The House was eager to know about them. I explained to the House about

the system of Electropathy, the degrees that are given to the students by various colleges and also the other aspects of the Bill. Now I would like to explain to the hon. Members about the terms of reference given to this Committee and the findings of the Committee. There were, as I told you earlier, four terms of reference: (i) whether the Electropathy Electro-homoeopathy System is a well established system of medicine; (ii) whether it is a prevalent system and whether it has a widespread network of practitioners who are practising in this system of medicine; (iii) whether sufficient literature is available; (iv) whether it can be taught in recognised institutions to produce doctors in this system of medicine These were the four terms of reference, made to the Committee. The enquiry was conducted by very eminent people, who were members of this Committee. The members were, the Additional Director-General of Medicines, the Secretary of the NEHM of India, New Delhi, the Adviser (Homoeopathy), the Director of the CCRH and the Director CDRI, Lucknow. They are all technically qualified and experts in this field. And the findings, Mr. Vice-Chairman, Sir, are very interesting. While giving their views on the first term of reference, that is, whether the Electropathy|Electro-homoeopathy System is a well-established system of medicine, they have said, "The literature in electro-homocopathy does not provide any method to evaluate the scientific basis of the method of treatment concept of aetiology and pathogenesis of a disease; and no scientific evidence is available regarding the electric charge produced by the medicines used by them" This is their finding, of the first term of reference. And they conclude by saying, "From the above observartions, it is clear that these principles of electro-homocopathy do not lend themselves to scientific analysis. The materia medica is limited, pharmacopeia oes not exist and there are no documents on clinical trials with drugs and, as such, the electro-homoeopathic remedies cannot be accepted as the method of effective remedies for human ailments. Adequate justification does not exist for accepting electro-homoeopathy as a well-established system of medicine."

Now, as regards the second observation whether it is a prevalent system and it has a widespread network of practitioners who are practising in this system of medicine, they have said, "The Committee was unable to answer this question precisely." It is because there is not enough material and literature available to give a definite finding on this.

Now, as for the third term of reference, that is, whether sufficient literature is available, they have said that there is not enough material available.

As regards the fourth term of reference, that is, whether it can be taught in a recognised institution to produce doctors in this system of medicine, the Committee has said, "The Committee carefully examined this issue and felt that there are no recognised institutions in the country and the degrees and diplomas awarded by many Electro-homoeopathy or Electropathy Institutes|Colleges have no legal or statutory authority. There is no official pharmacopoeia. There is also no uniformity in the nomenclature of the degrees. The teachers in many such institutions are either qualified homoeopaths or practitioners of Indian System of Medicine. In some institutions, they have a part-time teachers from modern system."

Now, I do not know how such a system can be recognised and, according to the provisions of the Bill, Clause 4 of the Bill says, I quote: "The Central Government can constitute a fund to be called the National Electropathy Medical Authority Fund for the development of the Electropathy System of Medical

[Shri B Shankaranand]

Science." I dont know how the House can justify such a provision of law when the very system of medicine is not uniform and it is not open for scientific investigation. And it does not have any qualified teachers or colleges. I don't know how Parliament can make provision for the development of such a system. Sir, I don't want to take much time of the House. As I said earlier such a Bill was introduced in the Lok Sabha also by a Member of this House when he was a Lok Sabha Member and the Lok Sabha did not accept the Bill. It is no bar for this House to pass this but even then, I should say that the Bill does not justify itself to be considered by this House because the Bill seeks to make far-reaching provisions for this. The Bill also says in clause 5 that there should be an Authority to perform the functions of establishing institutions, establishing organising, financing and maintaining hospitals of electropathy system of medicine throughout the country, organising the manufacture of electropathic medicines, organising the conduct of research in electropathy system of medicine and organising assistance to the medical practitioners of electropathy systems

Now, I do not know whether we can think of making such provisions about a system about which grave doubts have been expressed by the Committee.

I would only request the honourable Member who has introduced this Bill to withdraw this Bill at this moment. Let him wait and see whether this system finds a strong ground here in this country for development before recognition by the Government. I do not want the honourable Member who has introduced this Bill to divide this House on this issue

I would only request him to withdraw the Bill and leave it to the House for a better decision.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Now, Mr. Malaviya.

SHRI SATYA PRAKASH MALAVIYA (Uttar Pradesh): Mr. Vice-Chairman, Sir, the Bill is regarding granting of recognition to electropathy system of medicine and matters connected therewith.

In this connection, I put a question, Unstarred Question No. 1940, on 11th December 1991, in this very House. The then Minister of State for Health, Shrimati D. K. Tharadevi Siddhartha replied which I would quote later. The question was: "Will the Minister of Health and Family Welfare be pleased to refer to the answer to Unstarred Question No. 518 given in the Rajya Sabha on 27th November 1991, whether the matter was pending in the Court and whether the Court had granted any stay in this case?" The reply was that the High Court at Allahabad *vide* their order dated 29-10-91 in Civil Miscellaneous Petition No. 31489—the respondents were the Union Government and the Director-General of Health Services—restrained them from relying upon any material except the communication of the Expert Committee dated 16th May, 1991 and the communication of the Deputy Minister of Health and Family Welfare dated 14th June, 1991 for the purpose of recognition of electropathy system of medicine. The report of the Committee submitted on 4th November, 1991 could not, therefore, be acted upon for this purpose and the Government decided to file an appeal agianst the order of the High Court dated 24-10-91 so that the matter could be decided objectively bearing in mind the report of the Committee.

I would like to have one clarification. What is the communication of the Expert Committee dated 16th May, 1991?

Secondly, the Government already informed this House through its reply that the Government intended to file an appeal against the order of the High Court dated 29-10-91.

I would like to seek clarification whether the Government is going to file an appeal against the order of the

honourable Allahabad High Court or not. I am asking this question because I had also written to the then Minister of Health and Family Welfare, Mr. Fotedar, dated 7th June, 1991. His reply was like this:

"Dear Malaviyaji,

Please refer to your letter regarding recognition of electro-homoeopathy system of medicine.

The question of recognition of electro-homoeopathy system of medicine has been under consideration of the Expert Committee constituted for the purpose. Although the report of the said Committee has since been received, the report submitted by the Expert Committee on 4th November, 1991 could not be acted upon due to a restriction enforced by the High Court in a Civil Miscellaneous Petition, etc. Further action on this mater will be taken after the honourable High Court has taken into consideration the said report of the Committee.

Yours..."

My question is whether you have approached the Allahabad High Court, which granted some stay order to a limited extent, in this connection? So, I would like the honourable Minister to clarify all these points. Today, Sir, a non-official Bill has also been circulated. It could not be moved

3.00 P.M.

because Mr. Jagannath Singh who was to move the Bill was not here. Sir, the hon. Minister has said that at this stage it may not be appropriate or proper for the Government to grant recognition to this system of medicine. But, Sir, the Statement of Objects and Reasons of the Bill which was to be moved by Mr. Jagannath Singh, a Member of this House, and which has already been circulated, is quite clear on this, and it gives force to the argument that this system of medicine should be recognised by the Government.

Sir, now I would like to read from the Statement of Objects and Reasons of this Bill:

"The Electropathy or Electro-homoeopathy Medical Science is harmless, natural and is a new system of medicine. This System is quite different from Allopathy, Ayurveda, Unani and Homopathic Systems. This new System was discovered in 1865 by Dr. Count Ceaser Matti of Italy on the basic principles of 'COMPLEXA-COMPLEX-IS-CURANTURE. The remedies of Electropathy are prepared by a scientific process called the 'Spagiric Way' commonly known as 'CO-HOBATION' method in which living energies of the plant remain in the essences obtained from the plants. These remedies have curative capacity to regulate the lymph and blood and also to keep them purified. Only non-poisonous medicinal plants are used for preparing medicines under this system. Alcohol or Spirit or other poisonous matter is not used in the preparation of these medicines. Hence there are no side effects on the human body. Any discomfort can be easily and quickly controlled. These medicines are cheap and harmless.

In India there are four recognised systems of medical sciences viz. Western Medical Science Allopathy, Ayurveda, Unani and Homoeopathy. The Allopathy was recognised in India under the Indian Degree Act, 1916. Prior to that, even the Allopathy was not officially recognised in India but the doctors of this system were practising without restriction. In the above Act, the present three system of medicines viz. Ayurveda, Unani and Homoeopathy were excluded. The Ayurveda and Unani were recognised in India under Indian Medical Council Act afterwards. The fourth medical science, Homoeopathy was introduced in India in the year 1939. In the year 1937 an MLA brought a Private Member's Bill in the Central Assembly for the recognition of

[Shri Satya Prakash Malaviya]

Homoeopthy. An Inquiry Committee on Homoeopathy was set up in the year 1949 on the basis of the above Bil and Homoeopathy Medical Science was subsequently recognised in India. Thus at present there are four systems of medical science recognised in India. It should be noted that before the recognition of three medical sciences in India, the doctors of these systems were practising in the respective medical sciences. There was no bar on their practice."

So, Sir, my submission is that it may have been that the two committees which have been appoined by the Government of India—the Expert Committee which was appointed later and the earlier Enquiry Committee which was appointed on 1st September, 1988—could not have gone through all the material or they might not have met the experts during the course of enquiry proceedings. That is why, Sir, it is also stated in the statement of Objects and Reasons of this Bill, the Ministry of Health and Family Welfare, Government of India, in their note dated 11th February, 1991 also admitted that before Homoeopathy as a system of was recognised by Ministry in Seventies, there was a good number of Homoeopathic Institutions and a large number of Homoeopathic practitioners who were practising without Government recognition. A similar situation exists regarding Electropathy|Electro-homoeopathy'.. The qualified doctors in Electropathy|Electro-homoeopathy are doing their practice. When four systems of medical sciences already exist in India, there is no reason why the new fifth medical science, Electropathy|Electro-homoeopathy cannot be introduced in India. The medical science of Electropathy or Electropathy or Electro-homoeopathy which is in the same position should also be recognised by the Government, treating it at par with other medical sciences in India.'

So, Sir, I have already put my case before the House. But I would like the Minister to reply to my clarifications whether the Government did file an appeal against the orders of the High Court and whether the stay order still continues or not.

SHRI B. SHANKARANAND: Mr. Vice-Chairman, Sir, may I submit to the House that it is nobody's case that Electropathy or Electro-homoeopathy is one and the same as that of the modern system of medicine or any other system of medicine in this country? It is, definitely, a new system. So much so, it has not been established in this country. Not only this. The diversity of the degrees that are given by the various institution itself shows that it cannot be recognised. You do not have qualified teachers. Nowhere. Let anybody show that there is one qualified teacher in this electropaty system of medicine in the country who is teaching this system. (*Interruptions*) I am coming to it.

SHRI SATYA PRAKASH MALAVIYA: I have sought two specific clarifications.

SHRI B. SHANKARANAND: I am coming to that. You have raised certain issues. I know. I have all sympathy for you. It is not for the sake of just opposing that we are opposing this. If this system, if at all it is a system of medicine, is to be practised scientifically, it should be practised. At persent we have nothing to say that it is practised scientifically. And there are no grounds to justify.

The hon. Member has asked me about the High Court's decision. It is true that there was a case pending in the High Court of Allahabad. The said report could not be considered by the Ministry because of the 'stay orders' granted by the Allahabad High Court, as the hon. Member has said. The said report could not be considered by the Ministry as the Allahabad High Court, through their orders dated 5.9.91 and 29.10.91, in writ petition filed by one Naturo Electro Homoeo Medicos of India,

having its head office in Janakpuri, New Delhi, restrained the Union of India from taking into consideration any document except the communication of the former Deputy Minister of Health and Family Welfare dated 14.6.91.

THE High Court, in its wisdom, has ruled that Government should not take into consideration the findings of the Expert Committee, but only the promise made by the former Deputy Minister, This is the judgement of the High Court. I leave it to the House to appreciate this sort of an order.

Anyway, we are bound by the judgement. The restrained the Union of India from taking into cosideration any other document to decide the matter of recognition of electropathy|electrohomoeopathy system of meicine and the B.E. M.S. course conducted by the petitioner organisation. In pusurance of the orders of the Allahabad High Court, a reasoned order has been been passed by the Union Health Secretary because the High Court had directed that the authorities should pass a reasoned order. Accordingly, the Union Health Secretary passed a reasoned order on 19th January, 1993, after taking into consideration all the relevant facts of the case. Now, Sir, this is what I wanted to inform the House. As per the directions of the High Court, we have passed a reasoned order. There is nothing more remains to be done about it.

About the observation made by my predecessor in regard to the system itself, neither I want to contradict it nor do I say I support it. The point is unless the experts in the country are satisfied about the efficacy of this system of medicine, as a layman, I cannot say anything about it.

I would therefore, request the hon. Member not to insist on the passage of this Bill. Let him wait. Let the system convience us that it has a case to be considered.

THE VICE-CHAIRAN (SHRI V. NARAYANASAMY): Mr. Malaviya, are you withdrawing the Bill?

SHRI SATYA PRAKASH MALAVIYA: Just two sentences only. Sir, four Members, namely Chowdhry Hari Singh, Shri Jagannath Singh, Shri Ahluwalia and Shri Sangh Priya Gautam, participated in the discussion on this Bill. The hon. Minister intervened the other day. I am grateful to the Members who have participated in the discusion. I am also grateful to the hon. Minister for having intervened although he opposed the Bill.

In the interest of the people and also those who are practising this system and those who are getting education in this system, I would like to withdraw my Bill.

The Bill was, by leave, withdrawn.

THE BANNING OF COMMUNAL POLITICAL PARTIES BILL, 1993.

श्री एन० एस० अहलुवालिया (बिहार) उपसभाध्यक्ष महोदय, मैं प्रस्ताव करता हूं कि :

"अपने राजनैतिक लक्ष्य की प्राप्ति के लिये धर्म का उपयोग करने वालें और अपने राजनीतिक हितों की पूर्ति के लिये वर्गीय अपील जारी करने वालें सभी राजनैतिक दलों पर, जिनके क्रियाकलाप राष्ट्रहित के विरूद्ध है, पाबन्द लगाने और तत्संबंधी विषयों का उपबंध करने वाले विधेयक पर विचार किया जाये।"

उपसभाध्यक्ष महोदय, मेरे ख्याल से जब से इस पृथ्वी पर धर्म का नाम आया है तभी से धर्म का विरोध भी आया है और धर्म के विरोध का भी